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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/574,301                      | 05/15/2006  | Ismo Reilama         | 7633-0002WOUS       | 7070             |
| 35301                           | 7590        | 10/27/2008           | EXAMINER            |                  |
| MCCORMICK, PAULDING & HUBER LLP |             |                      | HALPERN, MARK       |                  |
| CITY PLACE II                   |             |                      |                     |                  |
| 185 ASYLUM STREET               |             |                      | ART UNIT            | PAPER NUMBER     |
| HARTFORD, CT 06103              |             |                      | 1791                |                  |
|                                 |             |                      |                     |                  |
|                                 |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                 |             |                      | 10/27/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/574,301             | REILAMA ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Mark Halpern           | 1791                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 9/2/08.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-49 is/are pending in the application.  
 4a) Of the above claim(s) 45-49 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 26-44 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/06, 1/18/07</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1) Applicant's election with traverse of invention I, drawn on claims 26-44, in the reply filed on 9/2/08, is acknowledged. The traversal is on the ground(s) that the search of the inventions is of the same art and places no additional burden to examine the entire application.

This is not found persuasive. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 45 is either obvious over or anticipated by US 3,525,666. Accordingly, the special feature linking the two inventions, Claus system for oxidizing sulphur compounds in a pulp mill, does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore, the restriction is appropriate.

The requirement is still deemed proper and is therefore made FINAL.

Claims 45-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Drawings***

2) Figures 1, 2, should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figures 1, 2, are recited as prior art in the Specification, Page 9, lines 11-20.

### ***Specification***

3) Specification, on Page 1, lines 1-11, and on Page 3, lines 25-31, recites and makes reference to cancelled claims 1, 19, 20. Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4) Claims 26-43, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26, lines 5-6; it is not clear what is "an essential part of the sulphur compounds".

Regarding claim 43, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claims 26-27, 29-30, 32-40, 42, 44, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Feagan (2,919,976). Feagan discloses Claus process of converting odorous hydrogen sulfide into sulfur as shown in reaction equations 1-2 (col. 1, lines 33-38). They are the same reaction equations as disclosed in present Specification (Pg. 6, lines 8-10). The Feagan process takes place in two converter units as shown in Figure, in that the exiting flow from the first unit 28 enters the second unit 44, recovering elemental sulfur 36 after condenser 34 and recovering elemental sulfur 52 after condenser 50. Feagan discloses that the reaction takes place with substoichiometric amounts of air, which reads on air index being below one. At least 10 percent of sulfur is generated in the first unit before

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proceeding to the second unit sulfur recovery. The amounts of sulfur resulting from the reactions are disclosed. The process of conversion of hydrogen sulfide into free sulfur inherently includes desulphurization of gases in a pulp mill or in the least it would have been obvious to one skilled in the art at the time the invention was made that the process includes desulphurization of gases in a pulp mill since Feagan teaches that the process pertains to various industrial waste gases, refinery gases and sour natural gas as recited in col. 1, lines 20-30 (cols. 1-6, and Figure).

6) Claims 28, 31, 41, 43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Feagan.

Claim 28: Feagan does not disclose reaction taking place at the claimed temperature, however, it would have been obvious to one skilled in the art at the time the invention was made, to run the combustion at the claimed temperature in order to speed up the reaction.

Claim 31: it would have been obvious to use boiler water recirculation to save energy costs.

Claims 41, 43: it would have been obvious to recirculate the flow that includes sulfur for further recovery.

***Conclusion***

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone no. is 571-272-1190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

/Mark Halpern/  
Primary Examiner  
Art Unit 1791